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JUN 24 1996

Before the
Federal Communications Commission
Washington, DC 20554

Federal Communications Commission
Office of Secretary

In the Matter of)	MM Docket No. 96-100
)	
Amendment of Section 73.202(b))	RM-8789
Table of Allotments,)	
FM Broadcast Stations.)	DOCKET FILE COPY ORIGINAL
(Amherst and Lynchburg, Virginia))	

To: Mass Media Bureau (Policy & Rules)

COMMENTS AND OBJECTIONS

Southern Entertainment Corporation, permittee of FM station WPXX Semora, North Carolina ("WPXX"), by its attorney, respectfully objects to the allotment of Channel 294A at Amherst as proposed in the Notice of Proposed Rule Making, DA 96-619, released May 1, 1993, ("NPRM") in the above-captioned proceeding. In support thereof the following is shown.

Section 73.208(a)(3) of the rules provides that FM minor change applications will be protected from conflicting rule making proposals as of the date the application is received at the Commission. Accordingly, the Commission may not grant any petition for rule making which fails to meet the minimum distance separation requirements with regard to any previously filed FM minor change application. Conflict between Applications and Petitions for Rule Making to Amend the FM Table of Allotments, 7 FCC Rcd 4917 (1992).

Southern filed an application for minor change of facilities for WPXX from Channel 294A to Channel 294C2, on March 7, 1996, FCC File No. BMPH-960307IC. The instant Petition for Rule Making

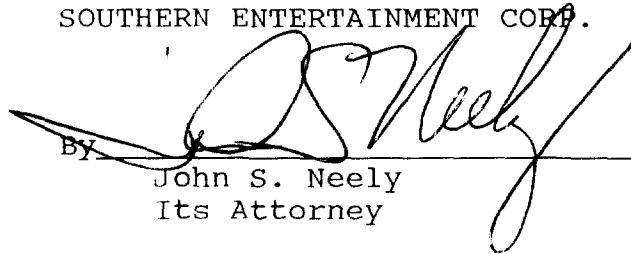
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was filed six days later, on March 13, 1996.¹ As confirmed by the attached engineering statement prepared by Southern's consulting broadcast engineer, Graham Brock, Inc., the Amherst proposal is short-spaced to WPXX's application by nearly 25 km. There is no fully-spaced transmitter site to allot Channel 294A at Amherst.

Accordingly, the Amherst proposal must be dismissed as inconsistent with Section 73.208 of the Commission's rules.

Respectfully Submitted,

SOUTHERN ENTERTAINMENT CORP.

By 
John S. Neely
Its Attorney

June 24, 1996

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 2003

¹ A copy of the cover page Petition for Rule Making bearing the Secretary's date stamp of March 13, 1996, is attached hereto for convenience.

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MAR 13 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Amherst and Lynchburg, Virginia))

RM _____

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Greater Lynchburg Stereo Broadcasters, by its attorneys, pursuant to Section 1.401 of the Commission's rules, hereby seeks the institution of a rule making proceeding looking toward the allotment of FM Channel 294A to Amherst, Virginia (population 1,060 persons - 1990 U.S. Census), as its second local transmission service,^{1/} and FM Channel 229A to Lynchburg, Virginia (population 66,049 persons - 1990 U.S. Census) as an additional transmission service.^{2/} Attached are channel studies showing full spacings for each proposed allotment. It is proposed that the FM Table of Allotments be amended as follows:

^{1/} FM Channel 294A may be allotted to Amherst, Virginia consistent with all Commission spacing rules at reference coordinates of 37° 40' 36" North Latitude, 78° 57' 19" West Longitude, a site 8.2 miles/13.2 kilometers northeast of Amherst.

^{2/} FM Channel 229A may be allotted to Lynchburg, Virginia at the Lynchburg city reference coordinates at 37° 24' 49" North Latitude, 79° 08' 30" West Longitude.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 19⁹⁶, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

John F. Garziglia
Pepper & Corazzini
1776 K Street, N.W.
Suite 200
Washington, DC 20004

Langdon C. Hill

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET #96-100
SOUTHERN ENTERTAINMENT CORPORATION
WPXX RADIO STATION
SEMORA, NORTH CAROLINA
June 1996

TECHNICAL EXHIBIT

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TECHNICAL COMMENTS
MM DOCKET #96-100
SOUTHERN ENTERTAINMENT CORPORATION
WPXX RADIO STATION
SEMORA, NORTH CAROLINA
June 1996

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Southern Entertainment Corporation ("Southern"), licensee of radio station WPXX, Channel 294A, Semora, North Carolina. These comments are filed in response to the Commission's Notice of Proposed Rule Making in MM Docket #96-100 which proposes the allocation of Channel 294A to Amherst, Virginia, and Channel 229A to Lynchburg, Virginia.¹

BACKGROUND

2. On March 7, 1996, Southern filed an application to make improvements to the facilities of WPXX pursuant to §73.203 of the Commission's rules. Specifically, Southern proposed to upgrade station WPXX to Channel 294C2 and make other minor changes in the facilities. The coordinates specified in the Southern application are North Latitude 36° 25' 07" and West Longitude 79° 11' 45". On March 13, 1996, Greater Lynchburg Stereo Broadcasters ("GLSB"), petitioners in MM Docket #96-100, sought the allotment of Channel 294A at Amherst, Virginia (as well as Channel 229A at Lynchburg), seemingly unaware of the FCC filing at Semora.

1) Docket #96-100, DA 96-619, released May 1, 1996. Comments due June 24, 1996.

3. In the Notice of Proposed Rule Making the Commission indicated that Channel 294A could be allotted to Amherst, Virginia, with a 12.8 kilometer site restriction northeast of the community in order to avoid shortspacing WLGE, Channel 294A, Bedford, Virginia, and WPXX, Channel 294A, Semora, North Carolina.²

DISCUSSION

4. As demonstrated on Exhibit #1, Channel 294A, as proposed at Amherst, Virginia, is mutually exclusive with the WPXX one-step upgrade at Semora. A Channel 294A allocation in the vicinity of Amherst, Virginia, would need to be a minimum of 166.0 kilometers from the Semora C2 allocation point. However, based on the reference site proposed in the notice, the two locations are only 141.26 kilometers apart, resulting in a shortage of 24.74 kilometers. Exhibit #2 is usable area map for Channel 294A in the vicinity of Amherst. This map clearly demonstrates that the restriction placed on a proposed Amherst channel by the C2 allocation at Semora eliminates any usable area for a Channel 294A allocation to Amherst, Virginia.

5. The foregoing Technical Statement and attached exhibits were prepared on behalf of Southern Entertainment Corporation by Graham Brock, Inc., its Technical Consultants. The information contained herein is true and accurate to the best of our belief and knowledge. All information relating to FM facilities was extracted from the NTIA database as updated on May 31, 1996. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

2) See Paragraph #2.

**CLEARANCE STUDY FOR AMHERST, VIRGINIA
USING PROPOSED ALLOCATION SITE AS REFERENCE**

REFERENCE	CLASS A	DISPLAY DATES
37 40 36 N		DATA 05-31-96
78 57 19 W	Current rules spacings	SEARCH 06-20-96
----- CHANNEL 294 -106.7 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD294	294A	Amherst	VA	0.0	0.00	115.0	-115.00
AD	37 40 36	78 57 19	0.000 kw	OM	0.0	71.5	
Greater Lynchburg Stereo Broadcasters RM8789							960313
>Site Restriction 12.8km Northeast							
ALOPEN	294C2	Semora	NC	188.8	141.26	166.0	-24.74
AL	N 36 25 07	79 11 49	0.000 kw	OM	87.8	103.2	
>Reserved for WPXX per One-Step Application BMPH-960307IC							
WPXX.A	294C2	Semora	NC	188.8	141.26	166.0	-24.74
AP	CN 36 25 07	79 11 49	50.000 kw	150M	87.8	103.2	
Southern Entertainment Corp. BMPH-960307IC							
>One-Step Application from Channel 294A							
WVGO	293B	Richmond	VA	99.5	112.68	113.0	-0.32
LI	CN 37 30 14	77 41 53	7.600 kw	376M	70.0	70.2	
Daytona Group of Virginia, Inc. BLED-880808LB							
WLQEFM	295A	Bedford	VA	236.7	71.79	72.0	-0.21
LI	ZCN 37 19 14	79 37 59	0.290 kw	389M	44.6	44.8	
Tri-city Media Company BLH-921104KB							
WPXX.C	294A	Semora	NC	190.6	116.87	115.0	1.87
CPM	CN 36 38 29	79 11 46	6.000 kw	100M	72.6	71.5	
Southern Entertainment Corp. BMPH-930219IF							951230
>to Channel 294C2 per One-Step Application BMPH-960307IC							
WTTXFM	296A	Appomattox	VA	162.6	35.45	31.0	4.45
LI	CN 37 22 19	78 50 06	3.000 kw	91M	22.0	19.3	
H T B, Inc. BLH-7808							
WJFKFM	294B	Manassas	VA	48.5	188.29	178.0	10.29
CP	DCN 38 47 16	77 19 49	34.000 kw	182M	117.0	110.6	
Infinity Broadcasting Corp. BPH-940405IL							960329
WBOP.C	292B1	Churchville	VA	349.8	59.29	48.0	11.29
CP	ZCN 38 12 08	79 04 34	6.400 kw	175M	36.8	29.8	
Peter Wayne Lechman BPH-940516IR							960903
WBOP.C	292B1	Churchville	VA	349.8	59.29	48.0	11.29
CPM	ZCN 38 12 08	79 04 34	10.000 kw	117M	36.8	29.8	
Peter Wayne Lechman BMPH-900712IC							910508

CHANNEL 294A ALLOCATION STUDY

* NOTE : SEE TECHNICAL STATEMENT FOR
DISCUSSION OF SHORTSPACE TO
WPXX SEMORA, NORTH CAROLINA.

**EXHIBIT #1
TECHNICAL COMMENTS
MM DOCKET #96-100
SOUTHERN ENTER. CORP.
WPXX RADIO STATION
SEMORA, NORTH CAROLINA
June 1996**

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

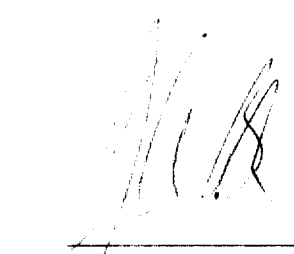
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Southern Entertainment Corporation, licensee of Radio Station WPXX, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 20th day of June, 1996.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 20th day of June, 1996*



Notary Public, State of Georgia
My Commission Expires: September 12, 1999